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| 10/826,481 | 04/16/2004 | Madhu Kanoor | P2004US | 1375 |

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INTELLECTUAL PROPERTY ADMINISTRATION
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| EXAMINER |
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WOOD, WILLIAM H

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| ART UNIT | PAPER NUMBER |
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2193

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| NOTIFICATION DATE | DELIVERY MODE |
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10/09/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/826,481 | Applicant(s) KANOOR ET AL. | |
| | Examiner William H. Wood | Art Unit 2193 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-40 are pending and have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-5 and 7-40 are rejected under 35 U.S.C. 102(a) as being anticipated by **Smith** et al. (US 6,477,703 B1).

Claim 1

Smith discloses a method for updating and maintaining current operating information on a processor-based target device, the method comprising the steps of:

discovering current operating information associated with the target device
(*column 2, lines 2-6*);

comparing the current operating information associated with the target device with updated operating information retrievable from a database (*column 2, lines 11-14*);

identifying at least one patch applicable to the discovered current operating information associated with the target device (*column 2, lines 14-17*);

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the target device determining if the at least one identified patch has been applied on the target device and, if necessary, applying the at least one identified patch on the target device (*column 2, lines 18-28; column 2, lines 6-7, "run on the computer"*); and entering an updated patch status of the target device in the database (*column 2, lines 10-11*).

Claim 2

Smith discloses the method of claim 1, wherein the current operating information of the target device includes at least one of a group comprised of:

- (a) an identity and version level of at least one software application program currently residing on the target device (*column 2, lines 8-10; column 3, lines 8-11*);
- (b) an identity and version level of at least one operating system residing on the target device (*column 2, lines 8-10; column 3, lines 8-11*);
- (c) an identity and version level of at least one hardware device residing on the target device (*column 3, lines 25-29*); and
- (d) an identity and version level of at least one firmware program residing on the target device.

Claim 3

Smith discloses the method of claim 1, further comprising the steps of: querying the database to determine a patch status of the target device; and identifying gaps in patch coverage for the target device (*column 2, lines 10-17*).

Claim 4

Smith discloses the method of claim 1, wherein the target device is in communication with a server (*column 3, lines 36-45*).

Claim 5

Smith discloses the method of claim 1, wherein the discovering step includes a plurality of target devices (*column 3, lines 36-45*).

Claim 7

Smith discloses the method of claim 1 further comprising a computer readable medium having stored therein instructions for causing a processor to execute the steps of the method (*column 3, lines 36-45*).

Claim 8

Smith discloses the method of claim 1 wherein the at least one identified patch includes two components comprising a state file for importing into the database and a manifest file used by a target agent on the target device that provides policy information and security information for the at least one identified patch (*column 4, lines 14-20*).

Claim 9

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Smith discloses the method of claim 8 wherein the state file comprises patch information, detailed information about patch components and patch target information from a patch authority and wherein the manifest file includes patch target information from a patch authority, prerequisite and superceded path information, a plurality of indicators used to determine if a patch is properly installed and information on how to apply a patch (*column 4, line 66 to column 5, line 11*).

Claims 10-40

The limitations of claims 10-40 correspond to the limitations of claims 1-5 and 7-9 and are rejected in a corresponding manner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Smith et al.** (US 6,477,703 B1) in view of Applicant Admitted Prior Art (AAPA) (see MPEP 2144.03 C).

Claim 6

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Smith did not teach plurality of mobile devices. AAPA demonstrated that it was known at the time of invention to implement computers as mobile devices. It would have been obvious to one of ordinary skill in the art at the time of invention to implement the computers of **Smith** as mobile devices. This implementation would have been obvious because one of ordinary skill in the art would be motivated to patch all computer types that are out of date.

Response to Arguments

Applicant's arguments filed 24 June 2008 have been fully considered but they are not persuasive. Applicant argues the target does not perform determination of the applied patches in the cited prior art. **Smith** suggests otherwise (column 2, lines 6-7, "run on the computer"). Furthermore, in attempting to show support for Applicant's position, the cited portion of **Smith** also indicates the target performing the determination (column 3, lines 5-20, "Alternatively", meaning the preferred option is *not* the remote machine). The rejections are maintained as indicated.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 10:00am - 4:00pm Tuesday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis A. Bullock Jr. can be reached on (571)-272-3759. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

/William H. Wood/
William H. Wood
Primary Examiner, Art Unit 2193
October 7, 2008